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Message Text

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64
ACTION SS-25

INFO OCT-01 ISO-00 /026 W
---------- 069046
R 261540Z SEP 73
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 5177

C O N F I D E N T I A L SAN JOSE 3422

EXDIS

E.O. 11652: GDS
TAGS: PINT, CS
SUBJECT: VESCO CASE: CITIZENSHIP ISSUE

REF: STATE 187237

1. WE ARE AIRPOUCHING TO ARA/CEN COPIES OF VESCO'S DECLARATION OF INTENTION TO APPLY FOR COSTA RICAN CITIZENSHIP, FILED OCTOBER 5, 1972, AND THE CIVIL REGISTRY'S RESPONSE VACATING THE DECLARATION AS MEANINGLESS. AS DEPT. RECALLS VESCO'S DECLARATION WAS SIMPLY A MANEUVER TO LAY A FOUNDATION FOR REQUESTING A PROVISIONAL PASSPORT UNDER COSTA RICA'S RETIREMENT LAW (SEE PARA 2 TO 5 OF SAN JOSE 142 OF JANUARY 11, 1973 WHICH EXPLAINED VESCO'S LOCAL STATUS AND CONTENTS OF APPLICABLE REGULATIONS IN SOME DETAIL). VESCO WAS SUBSEQUENTLY ISSUED A PROVISIONAL PASSPORT UNDER THE PROVISIONS OF ARTICLE 14 OF THE RETIREMENT LAW (SAN JOSE 248). THE CIVIL REGITRY CONFIRMS THAT VESCO HAS FILED NO OTHER APPLICATION OR REQUEST REGARDING CITIZENSHIP.

2. PLEASE NOTE THAT VESCO'S DECLARATION IS NOT TECHNICALLY SPEAKING AN APPLICATION FOR CITIZENSHIP. IT SPECIFICALLY REFERS TO THE PASSPORT PROVISION (ARTICLE 76 OF THE RETIREMENT
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LAW), AND STATES THAT FOR THAT PURPOSE HE WAS DECLARING HIS INTENTION TO APPLY FOR COSTA RICAN CITIZENSHIP, "ONCE I HAVE COMPLETED THE TERM OF RESIDENCE REQUIRED BY THE

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CONSTITUTION AND NATURALIZATION LAW".

3. AS WE OBSERVED IN SAN JOSE 334, NOTHING IN THE ABOVE ACTIONS WOULD APPEAR TO CONSTITUTE AN EXPATRIATING ACT. OATHS OF ALLEGIANCE ARE NOT REQUIRED IN FILING A DECLARATION OF INTENT OR OBTAINING A PROVISIONAL PASSPORT. MOREOVER, IN VIEW OF THE CIVIL REGISTRY'S RULING THAT A MERE DECLARATION OF INTENT TO BECOME A CITIZEN DOES NOT IN ITSELF PRODUCE ANY JURIDICAL EFFECT, VESCO WOULD APPEAR TO HAVE NO CLAIM TO COSTA RICAN CITIZENSHIP. THE POSSESSION OF THE PROVISIONAL PASSPORT WOULD NOT APPEAR TO ALTER THIS SINCE THAT IS A DOCUMENT EXPRESSLY DESIGNED FOR RESIDENT ALIENS. EVEN THE DIPLOMATIC PASSPORT WHICH HE HAS HELD WOULD NOT APPEAR TO CONSTITUTE AN EXPATRIATING ACT BY ITSELF (SEE PARA 4, SAN JOSE 334).

4. WE ARE CURIOUS AS TO WHY THE US ATTORNEY WOULD WISH TO TAKE THE INITIATIVE TO LIFT VESCO'S US CITIZENSHIP (REFTEL). WOULD NOT THIS COMPLICATE FURTHER EXTRADITION ATTEMPTS WHICH I ASSUME WE WILL (AND SHOULD) MAKE IF ADDITIONAL CRIMINAL CHARGES ARE PREFERRED?
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Message Attributes

Automatic Decaptioning: Z
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Copy: SINGLE
Draft Date: 26 SEP 1973
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
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